

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Upon entry of this Amendment, claims 1-48 are pending in the application. Claims 25, 28, 32, 33, 42-44, 46, and 47 have been amended. No claims have been cancelled or added.

Claim 44 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant's disagree with this rejection but have amended claim 44 solely in an effort to expedite prosecution. In light of the amendment to claim 44, the rejection under § 112, second paragraph should be withdrawn.

Claims 12, 13, 16, 17, 19, 25-28, 31-33, 37, 41-43, and 45-47 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tai (U.S. Patent No. 5,560,056). These rejections are traversed on the grounds that Tai does not disclose all of the features recited in the claims.

Claim 12 recites, among other things, wherein the mattress has a plurality of transversely extending hinges that separate the mattress into a first portion, a second portion, and a third portion, the hinges including a first hinge between the first and second portions and a second hinge between the second and third portions, the hinges allowing the mattress to be moved between at least (a) a substantially horizontal sleeping position, and (b) a seating position in which the first and second portions are folded so that they both have a generally vertical configuration that provides a dual portion back support, and in which the third portion remains generally horizontal to define a single portion seat, and wherein the head engaging region of the envelope is folded along with the first and second portions of the mattress when the mattress is in the seating position.

The Examiner has asserted that the functionality described by the above claim language could "inherently be performed by the Tai device." *See* the Office Action at page 3, lines 6-9. However, the apparatus disclosed in Tai is explicitly shown and described as not being capable of providing these functions. For example, Tai discloses a convertible setting belt (3) and engaging Velcro® tapes (11a and 12a) that enable the apparatus to be disposed in a seating position. *See* Tai at col. 3, lines 45-50. FIGS. 4 and 5 of Tai illustrate that when the

apparatus is disposed in the seating position, the back support of the Tai apparatus is provided by a single portion (third shell section 13), instead of by a first portion and a second portion, as is recited in claim 12.

Additionally, assuming arguendo that the difference between the back supports did not differentiate the Tai apparatus from the claimed invention, FIGS. 4 and 5 further illustrate that in the seating position of the Tai apparatus the head engaging region of the envelope (pillow portion 14) is folded with a single portion (third shell section 13) in the seating position. In contrast, claim 12 includes a seating position in which the head engaging region of the envelope is folded along with a first portion and a second portion. Therefore, the rejection of claim 12 based on Tai is improper because Tai does not disclose all of the features of the claimed invention.

Accordingly, the rejection of independent claim 12 must be withdrawn. Claims 13, 16, 17, and 19 depend from independent claim 12, and are allowable based on their dependency, as well as for the features that they add to the independent claim.

Although Applicants disagree with the Examiner's rejection of independent claim 25, in an effort to expedite prosecution Applicants have amended independent claim 25 to recite, among other things, wherein the mattress is inflatable between an inflated in-use condition and a deflated storage condition, the sheet material envelope having formed therein a storage area that is smaller in size than the cavity defined by the sheet material envelope, the storage area receiving the mattress and remaining sheet material for storage when said sleeping structure is not in use by a person for sleep therein, and the storage area being selectively and releasably closable to secure the mattress and sheet material stored therein.

The Examiner has asserted that the interior of the bag portion (10) and the sleeping bag portion (1a) disclosed in Tai could "inherently serve as a means for storing the device in a rolled up condition." *See* the Office Action at page 3, lines 11 and 12. Even if this were true, the bag portion and/or the sleeping bag portion would not provide a storage area that is smaller in size than the cavity defined by the bag portion and/or the sleeping bag portion during use. Further, using the interior of the bag portion (10) and/or the sleeping bag portion of the apparatus of Tai for storage would not provide a storage area that could be releasably closed to secure the mattress and sheet material stored therein. Therefore, claim 25 is

distinguishable over the cited reference because the cited reference does not disclose all of the features of the claimed invention.

Accordingly, the rejection of independent claim 25 must be withdrawn. Claims 26-28, 31-33, 37, 41-43, and 45-47 depend from independent claim 25, and are allowable based on their dependency, as well as for the features that they add to the independent claim.

Claims 22-24, 29, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of Hsu (U.S. Patent No. 6,543,072). These rejections are traversed on the grounds that the cited references do not teach or suggest all of the features of the claimed invention.

The Examiner acknowledges that Tai does not teach all of the limitations of claims 22-24, 29, and 30, but attempts to cure this deficiency by combining Tai with the teachings of Hsu. *See* the Office Action at page 4, lines 2-4. More particularly, the Examiner relies on Hsu for a teaching of providing a decorative element to a sleeping bag apparatus. *See id.* Even if the Examiner's characterization of Hsu was accurate, and proper motivation for combining the references existed, Hsu does not address the deficiencies of Tai with respect to the independent claims 12 and 25 discussed above. Since claims 22-24 depend from claim 12, and claims 29 and 30 depend from claim 25, claims 22-24, 29, and 30 are allowable by virtue of their dependency, as well as for the features that they add to the independent claims.

Claims 38 and 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tai in view of McDade (U.S. Patent No. 5,740,5650). These rejections are traversed on the grounds that the cited references do not teach or suggest all of the features of the claimed invention.

The Examiner acknowledges that Tai does not teach all of the limitations of claims 38 and 40, and attempts to cure this deficiency by combining Tai with the teachings of McDade. *See* the Office Action at page 4, lines 12-14. Specifically, the Examiner relies on McDade for a teaching of providing a sleeping bag assembly with an attached netting with spring support loops. *See id.* Assuming arguendo that this is an accurate depiction of the disclosure of McDade, and that proper motivation for combining the cited references exists, McDade is silent regarding the deficiencies of Tai with respect to independent claim 25 that have been

addressed above. Consequently, claims 38 and 40, which depend from claim 25, are allowable based on their dependency, as well as for the features that they add to the independent claims.

All rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Prompt and favorable examination on the merits is respectfully requested.

Respectfully submitted,

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